

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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|------------------|---|---|
| LAURA FINNERTY, |) | No. C 08-0027 SI |
| |) | |
| Plaintiff, |) | DECLARATION OF GWENDOLYN E. |
| |) | MURRAY IN SUPPORT OF |
| v. |) | DEFENDANT'S MOTION TO (1) |
| |) | SUBSTITUTE THE UNITED STATES |
| SUSANNA MERCADO, |) | FOR SUSANNA MERCADO AS PARTY |
| |) | DEFENDANT PURSUANT TO 28 U.S.C. |
| Defendant. |) | § 2679(d)(2) AND (2) DISMISS FOR |
| _____ |) | LACK OF SUBJECT MATTER |
| |) | JURISDICTION |

Date: February 15, 2008
Time: 9:00 a.m.

I, Gwendolyn E. Murray, make the following declaration in lieu of affidavit pursuant to 28 U.S.C. § 1746 to the best of my knowledge and belief. I am aware that this declaration is the legal equivalent of a statement under oath and that it will be filed in the United States District Court for the Northern District of California.

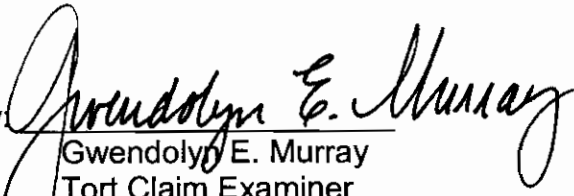
1. I am a Tort Claim Examiner with the United States Postal Service National Tort Center, St. Louis General Law Office.

2. In that capacity, I have full access to, and regularly utilize, all Postal Service records that are maintained on each administrative claim submitted for adjudication to the Postal Service pursuant to the provisions of the Federal Tort Claims Act, §§ 1346(b) and 2671 et seq. regarding incidents that occur within the State of California.

3. I conducted a search of all Postal Service records of administrative tort claims submitted for adjudication maintained at the local and national levels or evidence of an administrative claim filed by the above-named plaintiff. No such claim was discovered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of December, 2007.

By 
Gwendolyn E. Murray
Tort Claim Examiner
USPS Law Department
National Tort Center